

By Senator King

8-1352-06

1 A bill to be entitled
2 An act relating to the coastal resort area
3 redevelopment pilot project; amending s.
4 163.336, F.S.; revising the requirements for
5 the placement of beach-compatible material that
6 is excavated during the pilot project;
7 extending the expiration date of the pilot
8 project; providing an effective date.

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10 Be It Enacted by the Legislature of the State of Florida:

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12 Section 1. Subsections (2) and (3) of section 163.336,
13 Florida Statutes, are amended to read:

14 163.336 Coastal resort area redevelopment pilot
15 project.--

16 (2) PILOT PROJECT ADMINISTRATION.--

17 (a) To be eligible to participate in this pilot
18 project, all or a portion of the area must be within:

19 1. The coastal building zone as defined in s. 161.54;
20 and

21 2. A community redevelopment area, enterprise zone,
22 brownfield area, empowerment zone, or other such economically
23 deprived areas as designated by the county or municipality
24 with jurisdiction over the area.

25 (b) Local governments are encouraged to use the full
26 range of economic and tax incentives available to facilitate
27 and promote redevelopment and revitalization within the pilot
28 project areas.

29 (c) The Office of the Governor, Department of
30 Environmental Protection, and the Department of Community
31 Affairs are directed to provide technical assistance to

1 expedite permitting for redevelopment projects and
2 construction activities within the pilot project areas
3 consistent with the principles, processes, and timeframes
4 provided in s. 403.973.

5 (d) The Department of Environmental Protection shall
6 exempt construction activities within the pilot project area
7 in locations seaward of a coastal construction control line
8 and landward of existing armoring from certain siting and
9 design criteria pursuant to s. 161.053. However, such
10 exemption shall not be deemed to exempt property within the
11 pilot project area from applicable local land development
12 regulations, including but not limited to, setback, side lot
13 line, and lot coverage requirements. Such exemption shall
14 apply to construction and redevelopment of structures
15 involving the coverage, excavation, and impervious surface
16 criteria of s. 161.053, and related adopted rules, as follows:

17 1. This review by the department of applications for
18 permits for coastal construction within the pilot project area
19 must apply to construction and redevelopment of structures
20 subject to the coverage, excavation, and impervious surface
21 criteria of s. 161.053, and related adopted rules. It is the
22 intent of these provisions that the pilot project area be
23 enabled to redevelop in a manner which meets the economic
24 needs of the area while preserving public safety and existing
25 resources, including natural resources.

26 2. The criteria for review under s. 161.053 are
27 applicable within the pilot project area, except that the
28 structures within the pilot project area shall not be subject
29 to specific shore parallel coverage requirements and are
30 allowed to exceed the 50 percent impervious surface
31 requirement. In no case shall stormwater discharge be allowed

1 onto, or seaward of, the frontal dune. Structures are also not
2 bound by the restrictions on excavation unless the
3 construction will adversely affect the integrity of the
4 existing seawall or rigid coastal armoring structure or
5 stability of the existing beach and dune system. It is
6 specifically contemplated that underground structures,
7 including garages, will be permitted. Beach-compatible
8 material excavated under this subparagraph may be placed back
9 in the adjoining beach or a beach within the vicinity of the
10 pilot project if the material is sifted to remove foreign
11 substances and is compatible with the sand in the area where
12 the material is placed. All beach compatible material
13 ~~excavated under this subparagraph must be maintained on site~~
14 ~~seaward of the coastal construction control line.~~

15 3. The review criteria in subparagraph 2. will apply
16 to all construction within the pilot project area lying
17 seaward of the coastal construction control line and landward
18 of an existing viable seawall or rigid coastal armoring
19 structure, if such construction is fronted by a seawall or
20 rigid coastal armoring structure extending at least 1,000 feet
21 without any interruptions other than beach access points. For
22 purposes of this section, a viable seawall or rigid coastal
23 armoring structure is a structure that has not deteriorated,
24 dilapidated, or been damaged to such a degree that it no
25 longer provides adequate protection to the upland property
26 when considering the following criteria, including, but not
27 limited to:

28 a. The top must be at or above the still water level,
29 including setup, for the design storm of 30-year return storm
30 plus the breaking wave calculated at its highest achievable
31 level based on the maximum eroded beach profile and highest

1 surge level combination, and must be high enough to preclude
2 runup overtopping;

3 b. The armoring must be stable under the design storm
4 of 30-year return storm, including maximum localized scour,
5 with adequate penetration; and

6 c. The armoring must have sufficient continuity or
7 return walls to prevent flooding under the design storm of
8 30-year return storm from impacting the proposed construction.

9 4. Where there exists a continuous line of rigid
10 coastal armoring structure on either side of unarmored
11 property and the adjacent line of rigid coastal armoring
12 structures are having an adverse effect on or threaten the
13 unarmored property, and the gap does not exceed 100 feet, the
14 department may grant the necessary permits under s. 161.085 to
15 close the gap.

16 5. Structures approved pursuant to this section shall
17 not cause flooding of or result in adverse impacts to existing
18 upland structures or properties and shall comply with all
19 other requirements of s. 161.053 and its implementing rules.

20 6. Where there exists a continuous line of viable
21 rigid coastal armoring structure on either side of a nonviable
22 rigid coastal armoring structure, the department shall grant
23 the necessary permits under s. 161.085 to replace such
24 nonviable rigid coastal armoring structure with a viable rigid
25 coastal armoring structure as defined in this section. This
26 shall not apply to rigid coastal armoring structures
27 constructed after May 1, 1998, unless such structures have
28 been permitted pursuant to s. 161.085(2).

29 (3) PILOT PROJECT EXPIRATION.--The authorization for
30 the pilot project and the provisions of this section expire
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1 December 31, 2016 ~~2006~~. The Legislature shall review these
2 requirements before their scheduled expiration.

3 Section 2. This act shall take effect July 1, 2006.
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6 SENATE SUMMARY

7 Revises the requirements for the placement of
8 beach-compatible material that is excavated during the
9 coastal resort area redevelopment pilot project. Extends
10 the expiration date of the pilot project.
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